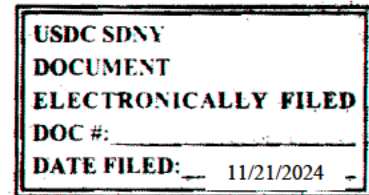


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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RAPHAEL JACKSON,

Petitioner,

22-CV-03357 (LGS)(SN)

-against-

ORDER

MICHAEL CAPRA,

Respondent.
-----X

SARAH NETBURN, United States Magistrate Judge:

On September 17, 2024, Petitioner requested a stay of his proceedings in light of Erlinger v. United States, 144 S.Ct. 1840 (2024). ECF No. 55. Petitioner attached a copy of his CPL § 440.10 motion, which was filed on August 14, 2024. Id. On September 24, 2024, the Court granted Petitioner a stay to exhaust any potential claims related to Erlinger. ECF No. 56. Petitioner was also granted leave pursuant to Federal Rule of Civil Procedure 15(a) to amend his petition to include those additional claims if they are rejected by the state court. Id. The parties are ORDERED to file a letter updating the Court on the status of the CPL § 440.10 motion by December 2, 2024.

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

DATED: November 21, 2024
New York, New York